

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KARL MURRAY TOBEY,

Petitioner,

v.

JEFFREY UTTECHT,

Respondent.

Case No. C12-440-RAJ

ORDER DENYING PETITION FOR WRIT
OF HABEAS CORPUS

The Court, having reviewed petitioner's petition for writ of habeas corpus, respondent's answer, petitioner's response, the Report and Recommendation of James P. Donohue, United States Magistrate Judge, and the remaining record, does hereby find and ORDER:

(1) The Court adopts the Report and Recommendation.

(2) Petitioner's federal habeas petition (Dkt. No. 6) is DENIED and this action is DISMISSED with prejudice.

(3) In accordance with Rule 11 of the Rules Governing Section 2254 Cases in the United States District Courts, a certificate of appealability is GRANTED with respect to
ORDER DENYING PETITION FOR
WRIT OF HABEAS CORPUS - 1

1 petitioner's third and fourth grounds for federal habeas relief and DENIED with respect to all
2 other claims asserted in the petition.

3 (4) The Clerk is directed to send copies of this Order to petitioner and to the
4 Honorable James P. Donohue.

5 DATED this 14th day of August, 2013.

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8 The Honorable Richard A. Jones
9 United States District Judge
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